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UNCLAS SECTION 01 OF 05 USOSCE 000013

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SUBJECT: FSC JANUARY 28: RUSSIA CALLS OUT GEORGIA FOR VD99  
INSPECTION REFUSAL

REF: A. STATE 7188

[1](#)B. MOSCOW 0148

[1](#)C. BALDWIN-SILBERBERG JANUARY 26 EMAIL

[1](#)1. (SBU) Summary: Russia sharply criticized Georgia for its refusal of Russian requests for Vienna Document inspection and evaluation. Dismissing Georgia's defense of force majeure as insubstantial, Russia said Georgia had only itself to blame for the conditions it cited in refusing the inspection and evaluation. Georgia answered that it could hardly change the facts of the Russian invasion and occupation and was thus justified in refusing the requests.

[1](#)2. (SBU) The EU regretted Georgia's refusal, as did Turkey. The U.S. called for use of the Vienna Document to enhance transparency among the parties to the conflicts in Georgia.

[1](#)3. (SBU) Russia announced a presidential decree banning the supply of Russian arms and other military goods and service to Georgia. Russia noted its concern over third-party states providing Soviet and Russian arms to Georgia, which countered by citing Russian arms transfers to separatists in South Ossetia and Abkhazia. The U.S. raised the right of states to assist each other in maintaining their defenses.

[1](#)4. (SBU) Russia reported it still lacked guidance on the draft update of the Code of Conduct Questionnaire. The U.S. and Azerbaijan repeated their opposition to the Russian proposal for a single deadline for Vienna Document defense planning submissions, while Germany expressed support. End summary.

Russia Calls Out Georgia



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¶15. (SBU) Disputing Georgia's repeated assertion that it "was open for inspection," Russia (Ulyanov) raised Georgia's recent refusal of Russian requests for Vienna Document inspection and evaluation. Ulyanov noted that none of the concerns cited by Georgia in support of its invocation of "force majeure" were, per the definition of found in FSC.DEC/6/97, "reasons which cannot be influenced by the receiving State." Georgia had claimed that Russia's invasion of Georgia, its continuing occupation of South Ossetia and Abkhazia, and the possibility of further Russian attacks made it impossible to agree to the Russian inspection and evaluation. Ulyanov dismissed Georgia's stated concern that the inspection and evaluation could be used to obtain information that would be used against it by charging Georgia with launching the "large-scale military activities." Ulyanov demanded that Georgia either comply with the request or offer "serious" reasons for its refusal.

¶16. (SBU) Georgia retorted that its concerns fell squarely within the definition of force majeure: Russia's invasion, occupation, and continuing military threat were clearly conditions that "could not be influenced by the receiving state." Russia's citation of the Vienna Document after its aggressive military actions, not to mention attempts to undermine European security as evidenced by its suspension of CFE, was cynical, Giorgadze charged. He said any other state is welcome to conduct a Vienna Document inspection, noting that Germany, Lithuania, and Belgium had recently done so,

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and Russia will be welcome to conduct an inspection as soon as its forces have withdrawn from sovereign Georgian territory.

¶17. (SBU) Giorgadze reprised earlier Georgian positions, including Russian violation of the six-point peace agreement by failure to withdraw forces to their positions prior to the beginning of the August 2008 conflict and Russian and South Ossetian separatist responsibility for ethnic cleansing in the occupied territories.

¶18. (SBU) Giorgadze announced a January 26 MOU between Georgia and the EU monitoring mission on Georgian military movements near South Ossetia and Abkhazia. He said the EU head of mission, Haber, had described the agreement as a "brave, unilateral move to de-escalate the conflict." Giorgadze invited Russia to reciprocate with transparency on its forces in South Ossetia and Abkhazia.

¶19. (SBU) Responding to Ulyanov's earlier report of Georgian intransigence at the Geneva talks in refusing the Russian suggestion of bilateral inspections of the occupied territories, Giorgadze said Russia misinterpreted Georgia's position, which does support inspections conducted by the parties with the relevant international organizations.

¶110. (SBU) The Czech Republic (Reinohlova), on behalf of the EU and several other states, "regretted any refusal of verification activities" and called on all participating States to fully implement the Vienna Document (FSC.DEL/8/09).

¶111. (SBU) The U.S. (Neighbour), per guidance (reftel A), reiterated its support for fulfillment of international commitments, including the Vienna Document, while noting the document does recognize force majeure as a basis for refusing an inspection or evaluation. Neighbour said the U.S. understood the concerns of Georgia; at the same time, the U.S. supports greater transparency and dialogue among those involved in the conflicts in Georgia and Vienna Document inspections and evaluations are important tools for increasing transparency. Neighbour urged full implementation of the August 12 and September 8 cease-fire package and the renewal of OSCE monitoring throughout the conflict area.



¶12. (SBU) Turkey (Begec) said it "would have preferred a different outcome" to the Russian request in light of its preference for full compliance with international obligations. Begec said an act of noncompliance could lead other states to falter in their compliance.

¶13. (SBU) Ulyanov said Russia shared and supported the assessments of the EU. He welcomed U.S. and Turkish support for "unconditional fulfillment" of all Vienna Document commitments. This episode confirmed Russia's belief that participating States needed to continue efforts to improve the CSBMs in the Vienna Document. He hoped there would be further exploration of "a UK proposal for a more precise definition of force majeure." He would return to the subject, probably at the next meeting.

¶14. (SBU) Canada (Gosal) noted that it was in fact working on a definition of force majeure that it will present at the Annual Implementation Assessment Meeting in early March.

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#### Russian Presidential Decree Bans Arms to Georgia -----

¶15. (SBU) Russia (Ulyanov) announced a presidential decree that bans the transfer of military and dual-use goods to Georgia, "especially Soviet and Russian types available for export by others." The ban also includes training and other services. Ulyanov said Russia was very concerned about the transfer of Soviet and Russian arms by third-party states. Russia would take such transfers into account in its relations with these states. Ulyanov repeated his assertion that transfers of arms and military equipment to Georgia violates international norms, including the OSCE Documents on SALW and Conventional Arms Transfers. Ulyanov said the decree was partly in response to the failure of states to support Russia's call for an arms embargo of Georgia (FSC.DEL/155/08/Rev.1). He repeated the charge that arms supplied to Georgia had facilitated its war of aggression that resulted in many civilian deaths. NOTE: Ulyanov did not specifically mention the possibility of sanctions against third states, as mentioned in other reports (reftel B). End Note.

¶16. (SBU) Georgia (Giorgadze) answered that its arms acquisitions violated no international norms; Georgia was completely transparent about its arms holdings. Rather Russia, Giorgadze charged, was the violator of international norms, citing its invasion of Georgia and continued occupation of Georgian territory in and around South Ossetia and Abkhazia as well as its supply of arms to separatists in those two provinces. Giorgadze mentioned in this context a recent Russian press report that Russia planned to open a naval base in Abkhazia.

¶17. (SBU) The U.S. (Neighbour) asserted that democratic states have every right to assist another democratic state in building and maintaining its defense forces. Neighbour noted that U.S. military assistance began in 2002 partly in response to Russian concerns over Chechen terrorists operating from the Pankisi Gorge area in Georgia. Neighbour referred delegations to an earlier U.S. statement in the FSC on arms supplies to Georgia (FSC.JOUR/564/Annex 6).

#### Bonn International Center for Conversion -----

¶18. (SBU) Peter Croll of the Bonn International Center for Conversion (BICC) discussed its programs and publications, particularly on the interrelation of security and economic development. BICC has done extensive work with governments, universities, and NGOs particularly in sub-Saharan Africa and Central Asia. In responses to questions, Croll and a colleague recommended OSCE support for marking and tracing of ammunition, noting that a new U.S. administration could be



convinced to change its policy on this initiative. BICC supports the work of the 2008 Biennial Meeting of States on the UN Program of Action on SALW including the International Tracing Instrument. BICC reports a lack of institutional memory at the OSCE field missions, ascribing this in part to preoccupation with project work at the expense of institution building and norm setting. BICC also recommends greater cooperation among international and regional organizations in

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SALW and ammunition projects. (FSC.DEL/5/09)

CCW Protocols and Amendment

119. (SBU) The U.S. (Neighbour) announced the deposit of its instruments of ratification on the Convention on Conventional Weapons protocols on incendiary weapons, blinding laser weapons, and explosive remnants of war, as well as an amendment expanding the scope of the Convention to non-international armed conflicts.

Albanian Ammunition Project Donation

120. (SBU) Denmark announced it was contributing 120,000 euros to the ammunition demilitarization project in Albania.

Single Deadline for Defense Planning

121. (SBU) Germany announced support for the Russian proposal for a single deadline for Vienna Document defense planning submissions (FSC.DEL/494/07/Rev.4/Corr.1). Azerbaijan and the U.S. reiterated their opposition to the proposal for failing to add value to the Document. Russia (Ulyanov) said the value was in increasing the level of discipline in implementation of a Vienna Document commitment. The chair (Simonet), wondering "how mature the proposal was," said he would enter into consultation with Russia and other interested delegations.

SALW and Conventional Ammunition

122. (SBU) The U.S. announced the Department's Export Control and Related Border Security Program (EXBS) workshop on ammunition and dual-use brokering controls in Vienna February 2-4. Representatives from Bosnia-Herzegovina, Macedonia, Montenegro, and Serbia have been invited. Representatives from the Wassenaar and OSCE secretariats will address the workshop (ref C).

Code of Conduct

123. (SBU) Russia (Ulyanov) reported the draft update of the Code of Conduct Questionnaire (FSC.DD/14/08) was still under review by the Moscow Interagency. Ulyanov hoped he would have a national position within a few weeks. Addressing the concern expressed by the FSC Code coordinator (Eischer, Austria) and others that States may be hesitating in preparation of responses to the current Questionnaire, due April 15, Ulyanov recommended either using the current Questionnaire or changing the due date to June 15.

124. (SBU) Eischer reminded that participating States had agreed to host at least one Code awareness raising event each year, like the 2008 seminar in Kazakhstan, and asked for suggestions for the 2009 event.

Coming and Going

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¶25. (SBU) The UK announced its new head of verification, Colonel James Watson would attend the FSC on February 4. The USDel plans to meet with Watson and the UK delegation after the meeting.

¶26. (SBU) The chair (Lebedel) bid fulsome farewell to Elli Kytomaki (Finland) of the Conflict Prevention Center's FSC Support Unit. She is moving to Geneva to work on the draft Arms Trade Treaty.

Next Meeting

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¶27. (SBU) The next meeting of the FSC will be on February 4 and will include a presentation by French General Henri Bentegat, chairman of the EU Military Committee, on EU peacekeeping operations.  
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